

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-12463-RGS

GREAT NORTHERN INSURANCE CO.
as subrogee of PHYLLIS MACNEIL

v.

INTERCITY ALARMS, INC.

ORDER ON DEFENDANT'S MOTION TO AMEND
THE ANSWER TO ADD AFFIRMATIVE DEFENSES

October 28, 2004

STEARNS, D.J.

Plaintiff Great Northern Insurance Company (Great Northern), as the subrogee of homeowner Phyllis MacNeil, brought this action against defendant Intercity Alarms, Inc., to recover damages for personal and real property losses incurred by Ms. MacNeil because of a fire at her home in Woods Hole, Massachusetts on January 21, 2003. Great Northern alleges that the fire escalated from its "incipient stages" because an alarm system manufactured, installed, and maintained by Intercity, malfunctioned. Fact discovery in this case was completed on June 26, 2004, and the parties are presently scheduled to commence mediation on November 19, 2004. Intercity requests that it be allowed to amend its answer to add affirmative defenses "of the statute of limitations, release, and statute of repose." Defendant's Memorandum, at 3.

The motion is ALLOWED. If the parties are unable to settle the case at mediation, and Great Northern requires additional discovery because of the newly added defenses,

it should file, no later than December 20, 2004, a motion to reopen discovery with respect to the facts supporting those defenses. The filing date for dispositive motions will be adjusted accordingly.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE